

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

FRIENDS OF GEORGE'S, INC.,

PLAINTIFF,

V.

THE STATE OF TENNESSEE; BILL
LEE, *in his official and individual capacity
as Governor of Tennessee*; JONATHAN
SKRMETTI, *in his official and individual
capacity as the Attorney General of
Tennessee*,

DEFENDANTS

DECLARATION OF MELISSA J. STEWART

Melissa J. Stewart, and penalty of perjury declares as follows:

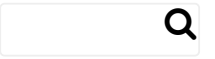
1. The following media articles are those referenced in Plaintiff's pleadings. They are true and correct copies of the original articles.

I swear under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Dated this 30th day of March, 2023

/s/ *Melissa J. Stewart*

Melissa J. Stewart



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State rep, performer discuss controversy of Jackson Pride drag show

September 21, 2022 by [WBBJ 7 Eyewitness News Staff](https://www.wbbjtv.com/author/wbbj7eyewitnessnewsstaff/) (<https://www.wbbjtv.com/author/wbbj7eyewitnessnewsstaff/>)

JACKSON, Tenn. — Community members are preparing to celebrate Jackson's [3rd Annual Pride Festival](https://www.jacksontnpride.com/pride-fest) (<https://www.jacksontnpride.com/pride-fest>) on Saturday, October 8. But a few events in the festival are causing concern, specifically with the drag show and how it will affect the community.



“The City of Jackson has its own ordinances that are approved by the State of Tennessee that clearly say certain things you cannot do in a city park, and I believe a number of things about this qualify it to be excluded from a city park,” said Representative Chris Todd (<https://www.capitol.tn.gov/house/members/h73.html>).

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may have changed.

Bella DuBalle, the host of the drag show, explains that one reason performers often see a lot of push back is because they do not understand what drag is.

“Drag is just an art form, where performers use makeup, costuming, and hair to effect a dramatic transformation,” DuBalle said. “This is playing dress up, it’s something that everyone of us did when we were little and somewhere along the way, we just quit doing it.”

DuBalle says the event is family-friendly and will be appropriate for people of all ages. But that doesn’t mean it will be the right event for everyone.




Jackson Pride (2021)

“If it’s not for your family, that’s okay,” DuBalle said. “Keep your kids at home. Take them somewhere else on a Saturday night and do whatever you do on a Saturday night. But for some families, this is for them and it is for their kids.”

Others in the community are concerned that organizations like the West Tennessee Healthcare Foundation are sponsoring the event.

“The community has already been impacted with a perception of this being sponsored by the West Tennessee Healthcare Foundation, the brochures and advertisements that indicated that,” Todd said. “That has really upset a lot of folks.”

The West Tennessee Healthcare Foundation posted that Jackson, TN pride is a community project fund of The Foundation, however, the Foundation does not provide direct monetary support for any community project funds, instead serving as a fiscal sponsor to provide oversight, financial management, and other administrative services.



West Tennessee Healthcare Foundation
about 7 months ago

The Foundation is aware of concerns expressed by some members of the community regarding the Foundation's role in the upcoming Jackson TN Pride event and work has developed.

Although The Foundation supports philanthropic initiatives of the health system organization governed by its own Board of Trustees. The Foundation is home to several community project funds, so... [See more](#)

39

15

8

Others are concerned about the event being held in a public location where everyone can see.


“If this were held at a private property at a private venue, I would say absolutely, if you don’t approve of it, just don’t go,” Todd said. “But it’s in a public park and we have rules and restrictions on what can happen in a public park.”



Jackson Pride (2021)

However, DuBalle says that being in public is a part of the purpose of inclusivity in the community, and the event is public because everyone is invited to come. DuBalle says their agenda is not to push their actions on anyone else, it's to welcome those who have the same beliefs.

“There are queer people all around you, and it is not to push our community out into someone else’s space, its to say ‘Hey, if you belong to this community already, there’s a place for you,’” said DuBalle.



Mayor Scott Conger

September 14 at 4:09 PM · 🌐

...

There has been a lot of misinformation circulating regarding the Jackson Pride event in October.

I wanted to give you all some information about the Jackson Pride event in October. Jackson Pride is an independent 501 (c)3 organization, and is governed by a board of people who live in Jackson. The organization is privately funded. Many different organizations, including churches, religious organization use our parks and facilities. A government entity cannot discriminate or deny usage of public facilities due to our personal beliefs. The group is protected under federal law, and the First Amendment of the United States Constitution.

Everyone is entitled to their opinions and beliefs. That’s what makes this country great! I do ask that, before you make a comment, you stop to consider that you are making a comment about your neighbor, your friend or your family member. We can disagree without tearing each other down.

Because this issue causes such deep personal feelings, on both sides, I will not be answering anyone’s questions in the comments. If you have a question, you can email me at mayor@jacksontn.gov or call my office at 731-425-8241.

Mayor Scott Conger says the City of Jackson is consulting with attorneys regarding the situation, and further communication from the City is expected in the near future.

As of now, the drag show is still scheduled to take place.

For more news in the Jackson area, [click here \(https://www.wbbjtv.com/category/madison-county/\)](https://www.wbbjtv.com/category/madison-county/).

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Jackson Sun.

NEWS

Jackson Pride organizer expresses 'joy,' Rep. Todd calls a 'win' with drag show ruling



Angele Latham

Jackson Sun

Published 4:08 p.m. CT Oct. 7, 2022

The Jackson Pride drag show — the center of weeks of controversy between local lawmakers and event organizers — will now be limited to participants age 18 and older, according to an agreement reached between the parties Friday morning.

State and local lawmakers, along with Jackson Pride organizers, met at the Madison County Chancery Court Friday morning and agreed to a settlement under the watchful eye of Chancellor Steven Maroney.

“I want to thank the attorneys in this matter for working together to reach an agreement. I know it’s been a high-profile matter and a matter of much public interest,” Maroney said. “I’m glad we could reach a resolution that all parties are satisfied by.”

The decision comes after weeks of swirling upheaval over the inclusion of a “family-friendly drag show” in the Jackson Pride’s third annual celebration, which was originally going to be held in Conger Park.

Following a quiet meeting between city officials, local religious leaders, state legislators and members of the Pride Committee, the event was moved to the Carl Perkins Civic Center.

This move was not enough, however, and state Rep. Chris Todd, R-Madison County, who spearheaded the majority of the public backlash, filed a request for an injunction to halt the event. Going to court to stop the show raised First Amendment questions.

Friday’s hearing saw the plaintiffs — Todd, state Sen. Ed Jackson, R-Jackson, and a number of local church members — reach the agreement with the city of Jackson and Jackson Pride to place an age restriction on the event.

Darren Lykes, Jackson Pride chair stated that the decision — though an arduous process to come too — “brought joy” now that it was finalized. Todd called the decision a win against the city.

Todd calls decision ‘a win’ against ‘child abuse’

Todd, who labeled the city as “adversaries,” was pleased following the results of the hearing.

“I think the citizens of Madison County had a big win today,” Todd said. “They faced an adversary with city government in issuing a permit in Conger Park of all places for a drag queen show, and they drew a line in the sand and said, ‘We will not have that in our community.’ That’s not something we agree with, it’s not something our children need to be exposed to, and this is what this has been about the entire time.

“It’s been about protecting the kids in our community from something that we believe is harmful to them. It’s not age appropriate.”

Jackson Pride organizers have repeatedly stated that the drag show was “thoroughly vetted and selected” as “family-friendly content,” with no lewd or sexual content allowed.

Todd confirmed Wednesday that he had not reached out to organizers or performers about the content of the show, despite continuously declaring it “inappropriate,” “trash,” and “child abuse.”

“I think moving forward, we anticipate that any kind of consideration of a drag queen event be nonexistent, and that they would realize this community is not the place for that,” he said. “I think there will be an effort to oppose these events wherever they pop up because of their targeting of children.

"They're clearly meant to groom and recruit children to this lifestyle, and folks in this community said we are not going to have that. That is child abuse and we will not have that here," he said.

When asked to clarify later how he knew it was child abuse if he had not inquired about the show’s contents, Todd repeated that “this type of performance and its intent is the child abuse.”

“I have not seen a Jackson Pride drag show, because they have not held one,” he said. “And they cannot tell me what it’s going to be because they haven’t had one. So they can report anything they want to, and I can report what I have seen with multiple videos of similar

events touted as family friendly with children clearly present, two or three feet from people naked and twerking and writhing in front of them.”

Friday’s resolution details a number of violations that the event, or any county resident, cannot violate, such as “indecent exposure, public indecency, sale, loan or exhibition of materials to minors and sexual exploitation of minors.”

Todd stated that the event will be carefully monitored by the Jackson Police Department to “watch for” these violations.

“They’re listed very specifically for the JPD to watch for and protect against,” he said.

Jackson Mayor Scott Conger previously confirmed that the JPD would be present at the event to provide extra security for attendees due to threats of protestors.

Overall, however, Todd feels elated by the decision, adding that “around \$8,000” was raised to fight the case.

“Primarily I feel very encouraged by what our community has done,” he said. “This has been an effort by so many people. They have raised thousands of dollars for this effort before we even knew an injunction would be needed. But after the rigged meeting that the mayor had last week, and was very one-sided and somewhat deceiving, we didn’t get anywhere. And we realized legal action was needed.”

Todd confirmed that most, if not all, of the funding will be used to fulfill court costs — money not needed will “either be sent back to the constituents, or placed into a fund to prevent this kind of event from happening again.”

Jackson Pride 'excited to move forward'

Lykes expressed his excitement regarding the decision as he worked to set up the event in the Carl Perkins Civic Center Friday afternoon.

“I feel so good,” he said. “We’re so excited to move forward with no problems and hopefully have an amazing day tomorrow ... the fact that we can still have the drag show, as our plan was from the very beginning, is amazing ... So if you’re 18 and up, please come tomorrow!

“It gives us a lot of joy (to focus on the event now),” he said. “The last few weeks have been pretty difficult for the community as a whole. Tomorrow is a new day and a beautiful day, so we hope everyone comes out.”

As for next year, Lykes says the future of Jackson drag shows remains to be seen.

“We don’t know about next year. We’ll weigh our options and see how it works out tomorrow,” he said. “But doors open at 11! Come on out!”

The USA Today Network - Tennessee's coverage of First Amendment issues is funded through a collaboration between the Freedom Forum and Journalism Funding Partners.

Have a story to tell? Reach Angele Latham by email at alatham@gannett.com, by phone at 731-343-5212, or follow her on Twitter at [@angele_latham](https://twitter.com/angele_latham).



Tennessee

Tennessee governor to ban drag shows - despite photo of him dressed in drag

Bill Lee says he will sign law criminalizing drag performances despite emergence of picture from 1977 high school yearbook

Gloria Oladipo

🐦 @gaoladipo

Tue 28 Feb 2023 11:15 EST

Tennessee's governor, Bill Lee, is facing accusations of hypocrisy after a photo of him dressed in drag went viral days after the politician confirmed that he would sign legislation criminalizing drag performances.

Lee, a Republican, announced on Monday that he plans to sign a bill passed previously by his state's legislature that prohibits drag in public and in front of children. Lee also said he would sign a bill that bans gender-affirming care for Tennessee minors.

That announcement came two days after a picture of Lee dressed in drag during his high school days went viral on Reddit. In the 1977 picture, a young

Lee wears a wig, a cheerleader's uniform and a pearl necklace. The high school yearbook photo is captioned: "Hard Luck Woman".

The Reddit user who created the original post noted that they were motivated to share it given the governor's hypocrisy, [according to NBC News](#).

"I'm sure [the bill] will be signed but, the hypocrisy needs to be poked at before they come after Play in Nashville or even Rocky Horror at Belcourt twice a year," wrote the user, referring to a Nashville nightclub and the musical The Rocky Horror Picture Show.

Lee has not confirmed that the newly seen photo is of him.

But Lee's office has responded to questions about whether it is hypocritical to sign legislation banning drag performances when the governor has dressed in drag himself.

In a statement to [the Daily Beast](#), Lee's office said that "lighthearted school traditions" as seen in the yearbook photo should not be "conflated" with what the bill is banning. A spokesperson claimed that the comparison was "dishonest and disrespectful to Tennessee families" without elaborating on how that was so.

In a press conference on Monday, Lee was asked if he remembered "dressing in drag in 1977" and if drag was "only illegal when gay people do it".

The Tennessee Holler
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👁️ WATCH: "Do you remember dressing in drag in 1977? Is it only illegal when gay people do it?"

[@GovBillLee](#) didn't appreciate that we printed out the FRANKLIN HIGH YEARBOOK PHOTO — but did not deny it's him. Meanwhile he's about to make drag a felony by signing an absurd law. 🙄

Watch on Twitter

3:01 PM · Feb 27, 2023



20.2K



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In the recorded exchange, Lee said several times that it was “ridiculous ... conflating something like that to sexualized entertainment in front of children, which is a very serious subject”.

Once signed, the new law would prohibit “adult cabaret performances” in public or in front of children, with such cabaret performers including “topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators”, [the Tennessean](#) newspaper reported.

The first offense under the bill would be a misdemeanor, and the second would be charged as a felony.

Critics of the bill have called it unconstitutional and warned that it is vague enough [to target](#) gender non-conforming and transgender people.

In the US, states have passed or proposed more than 100 laws [targeting LGBTQ+ rights](#), especially those of transgender people, [NBC News](#) reported.

Republican legislators have also targeted [drag shows](#), with lawmakers in at least eight states taking steps to either restrict or ban them entirely.

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FEATURED

As State Legislation Targets the LGBTQ Community, Pride Celebrations Adapt

Pride events in Franklin and Nashville will move forward, while Murfreesboro and Knoxville events are on shakier ground

MATT MASTERS
FEB 21, 2023



Following the Have a Heart Tennessee Rally, LGBTQ-rights activists march past the state Capitol in downtown Nashville, Feb. 14

Photo: Hamilton Matthew Masters

As state legislators debate a number of bills that would directly impact the LGBTQ community — including the possible criminalization of drag shows where children could be present — Pride celebrations in Tennessee are adapting to an uncertain future.

Senate Bill 3, introduced by state Senate Majority Leader Jack Johnson (R-Franklin), passed via a 26-6 vote on Feb. 9, with Johnson arguing that the bill targets obscenity and protects children from what he calls “overtly sexual entertainment.”

“We’re saying that you can’t do that in a public park, you can’t do that in a restaurant where kids are present,” Johnson said.

Opponents argue that other laws already on the books cover obscenity, and members of the LGBTQ community characterize the legislation as part of a larger attack on their rights.

Nashville Pride began in 1988 and will return June 24 and 25 with what organizers have said will be a celebration largely unchanged from recent years, adding that they continue to have a “strong partnership” with the Metro Nashville government. Drag performances will take place at this year’s public festival, along with the return of the festival’s parade, live musical performances, youth activities and hundreds of business and community vendors.

“[The legislation] is very disheartening and very concerning, but we’re looking forward to celebrating — that’s what Pride is,” says Zach Ledbetter, vice president of Nashville Pride’s board of directors. “It’s to celebrate the progress that has been made and coming together as a community to organize, volunteer and really support one another, and this year will be no different.”

The *Knoxville News Sentinel* reported earlier this month that Knox Pride will cancel its 2023 festival and parade if the GOP-backed legislation becomes law, with other celebrations deciding how to proceed. An October letter from Murfreesboro City Manager Craig Tindall called Pride event organizer Tennessee Equality Project Foundation’s 2022 application “misleading,” and pledged to deny future special-event permits submitted by the organization.

“The portion of the event was far from ‘family friendly’ and clearly unsuitable for ‘all ages,’ ” Tindall wrote, adding that the “event intentionally exposed young children to this conduct.”

Since that letter was issued, Boro Pride supporters have spoken out at Murfreesboro City Council meetings. While Murfreesboro Mayor Shane McFarland said in early January that the council believed there is room for compromise, it’s unclear at this time if and how Rutherford County’s LGBTQ community will celebrate in 2023.

Tennessee Equality Project executive director Chris Sanders declined to comment directly on the status of Boro Pride, as the nonprofit is seeking the counsel of the American Civil Liberties Union. The ACLU has already pledged legal action regarding Tennessee bills targeting trans health care.

“We don’t want the government dictating what kind of clothes we wear, the composition of our festivals, the way we engage in artistic expression, and drag is an artform, period,” Sanders says. “So I think every conservative can join anybody else in clinging to the Bill of Rights. That has to be common ground for our country. When the Bill of Rights is no longer the common ground, it would be hard to imagine what might be common ground for our country.”

Sanders says legislation could also empower citizens to “nitpick at every element of a public drag performance” in an attempt to get a performer cited or arrested. It’s scrutiny that Sanders believes will also be aimed at trans and nonbinary people in general and could lead to dangerous interactions.

In January, right-wing activist group Turning Point USA held its so-called “Teens Against Gender Mutilation Rally” in Murfreesboro, which drew both LGBTQ-rights supporters and members of far-right hate group the Proud Boys. Proud Boys also faced off with protesters during an anti-trans rally held on Nashville’s Legislative Plaza in October. The event was organized by right-wing media personality Matt Walsh and featured remarks from U.S. Sen. Marsha Blackburn, state Sen. Johnson and state House Majority Leader William Lamberth (R-Portland).

State Sen. Heidi Campbell (D-Nashville) calls the legislation and the extremist groups “the stirrings of fascism.” Nashville Pride’s Ledbetter says safety and security will continue to be a top priority for the event, which has a “zero tolerance policy” regarding threats and harassment. Nashville Pride will rely in large part on private security.

In Williamson County, Franklin Pride organizers have committed to continuing the annual celebration, which was first held in 2019 and takes place in the city-owned Park at Harlinsdale Farm. Organizers say they’ve had great experiences working with the city planning past events, and in 2022, the city issued a proclamation recognizing and celebrating Franklin Pride.

“There are people in the community that need this time and space, and to not have Pride would totally let down the youth, you know, that are depending one day a year to have a safe space to go,” says Franklin Pride President-Emeritus Robert McNamara. “Whatever it looks like, we will have a festival.”

Current Franklin Pride President Clayton Klutts says the group is awaiting final approval from the city, and confirms that this year’s festival will not include drag performances.

MORE INFORMATION



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Photo: Hamilton Matthew Masters

LOCAL

Knox Pride will cancel 2023 festival and parade if Tennessee's drag bill becomes law



Ryan Wilusz

Knoxville News Sentinel

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Knox Pride organizers say they will cancel this year's festival and parade if Tennessee Gov. Bill Lee signs a bill altering Tennessee's obscenity law to limit "male and female impersonators."

Organizers worry some Knox Pride Festival performances, such as drag shows, could be deemed illegal, and even some parade participants could be breaking the law.

"You can no longer say you're an ally if you are not helping us fight this," Knox Pride CEO John Camp said Feb. 9 in a statement. "If the Greater Knoxville area community wants the Knox Pride Festival to go forward as planned, then people must stop this from becoming law."

Senate suggests these changes to obscenity law

The bill clarifies parts of the state's obscenity law, according to a Tennessean report, by classifying "male and female impersonators" as adult cabaret performers.

It also bans "adult-oriented performances that are harmful to minors," as defined in Tennessee's obscenity law.

How Tennessee senators voted

The state Senate approved the legislation Feb. 9 in a 26-6 vote. All Republicans voted for it except Randy McNally, who serves as lieutenant governor because he's senate speaker and does not routinely vote.

All Democrats opposed it.

Could drag performers be arrested?

A first conviction for violating the law would be a misdemeanor, followed by a Class E felony for a second offense. The latter could mean between one and six years in prison.

How would drag performances be enforced?

That's still to be determined, but having a law on the books is one more way drag shows could be challenged in court.

Senate Majority Leader Jack Johnson, R-Franklin, said Feb. 9 that performances would be held to a "tight" legal definition limiting overtly sexualized performances.

Sen. Heidi Campbell, D-Nashville, argued the obscenity standard already exists in the law and called it "inefficient at best."

What are the next steps?

The measure would require House approval and the governor's signature to become law.

April 1 is the earliest it could take effect.

Drag in mainstream culture

Controversies surrounding drag performances have increased across the state as the expressive art grows in mainstream popularity.

Last month, RuPaul's Drag Race saw its highest season-premier rating in six years, according to aDeadline report, ranking it the "No. 1 cable entertainment telecast off the day."

Drag shows no longer are confined to LGBTQ clubs, with performances regularly taking place at Knoxville breweries, brunch spots and entertainment venues.

Putting pressure on organizers

In Jackson, Tennessee, a drag show was limited to participants 18 and older after state Rep. Chris Todd, R-Madison County, led backlash with wild claims that these performances "groom and recruit children to this lifestyle."

Todd called the event "inappropriate" and "child abuse," despite Jackson Pride organizers repeatedly stating the drag show was “thoroughly vetted and selected” as “family-friendly content,” with no lewd or sexual content allowed.

The impact of Knox Pride Festival

Knox Pride said the October festival is the nonprofit's largest fundraiser of the year, drawing 66,000 attendees in 2022. Funds go to support the Knox Pride resource center, which recently added a boutique thrift store at 4044 Chapman Highway.

What Knox Pride is saying

Knox Pride CFO Nathan Higdon told Knox News the nonprofit has been working with other pride organizations and political action groups to rally local supporters to fight this bill.

"But we seem to have been unheard thus far," Higdon told Knox News.

One concern is the possible April 1 timing, just two months before Pride Month begins, though Knox Pride's festival coincides with LGBT History Month in October.

"We'll have to figure out exactly how it's interpreted, and then we'll figure out how to comply to keep everyone safe in the drag community," Higdon said. "Now is the time for people to reach out to their friends and family who would identify as a member of the LGBTQIA community and make sure they're okay, because there are a lot of frightened people in the community."

Knox News reporter Keenan Thomas and The Tennessean contributed to this report.

Ryan Wilusz, downtown reporter and urban explorer for Knox News, can be reached at 865-317-5138 or by email at ryan.wilusz@knoxnews.com. Follow Ryan's work on Instagram @KnoxScruff, and sign up for the free, weekly Urban Knoxville newsletter. Unlock premium perks and support strong local journalism at knoxnews.com/subscribe.

